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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,248	07/28/2000	Donnie V. Savage	CISCP541	2370
26541	7590	10/22/2003		
RITTER, LANG & KAPLAN 12930 SARATOGA AE. SUITE D1 SARATOGA, CA 95070			EXAMINER KADING, JOSHUA A	
			ART UNIT 2661	PAPER NUMBER 4

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/627,248

**Applicant(s)**

SAVAGE, DONNIE V.

**Examiner**

Joshua Kading

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18, 21, 22 and 24 is/are allowed.
- 6) ☒ Claim(s) 19, 20, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 26-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. Figures 1-5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 19, 20, and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. In regard to claims 19 and 20, applicant discloses "a computer program product for determining route redistribution at a device within a network, the product comprising:...code that receives an information packet...code that sends query packets". Computer code is a set of instructions or a data structure that causes a device or a plurality of devices to perform specified functions, such as receiving or sending

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data. Computer code cannot send or receive data, therefore it is unclear from the claim language how the computer code can receive or send data without a device to carryout these functions.

5. In regard to claim 23, applicant discloses "a computer program product for reducing query generation for route redistribution within a network, comprising:... code that receives information... code that sends an information packet... code that sends a response packet". Computer code is a set of instructions or a data structure that causes a device or a plurality of devices to perform specified functions, such as receiving or sending data. Computer code cannot send or receive data, therefore it is unclear how the computer code can receive or send data without a device to carryout these functions.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant discloses "a computer-implemented method...limiting the amount of route information..." It is unclear what is meant by "limiting the amount of route information" because it is not clear in the first place what constitutes more than a "limited amount of information." The phrase "limited amount" is a relative term and thus fails to show the meets and bound of the claim.

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***Allowable Subject Matter***

8. Claims 26-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is an examiner's statement of reasons for allowance:

10. Although Farinacci et al. (U.S. Patent 5,519,704) disclose "a method for determining route redistribution at a device within a network, the method comprising: receiving an information packet identifying the source as a stub router and specifying route types that the source will advertise (col. 6, lines 66-67 where the Hello packet that is multicast is requesting a topology update which inherently includes the stub routers because these routers, like all routers, are part of the topology of the network; col. 11, lines 63-65 where the routing information is the route types)...", claims 1-13 are allowed however, because Farinacci et al. fail to disclose "upon receiving notice of a failed link within the network, sending query packets requesting route information only to neighboring devices that have not been identified as stub routers."

11. Although Farinacci et al. disclose "a method for reducing query generation for route redistribution with a network, the method comprising: receiving information at a router identifying the router as a stub router; sending an information packet from the stub router to neighboring devices, the information packet identifying the source as a stub router and specifying route types that the stub router will advertise (col. 6, lines 66-67 where the Hello packet that is multicast is requesting a topology update which inherently includes the stub routers because these routers, like all routers, are part of

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the topology of the network; col. 11, lines 63-65 where the routing information is the route types)...”, claims 14-18 are allowed however, because Farinacci et al. fail to disclose “upon receiving notice of a failed link within the network, sending query packets requesting route information only to neighboring devices that have not been identified as stub routers.”

12. Although Farinacci et al. and Callon (U.S. Patent 5,633,866) disclose “a computer system for determining route redistribution at a device within a network, the system comprising: memory (Callon figure 7, element 306); and a processor (Callon figure 7, element 304) configured for receiving an information packet from a neighbor source, the information packet identifying the source as a stub router and specifying route types that the source will advertise (col. 6, lines 66-67 where the Hello packet that is multicast is requesting a topology update which inherently includes the stub routers because these routers, like all routers, are part of the topology of the network; col. 11, lines 63-65 where the routing information is the route types)...”, claim 21 is allowed however, because Farinacci et al. and Callon fail to disclose “sending query packets requesting route information only to neighboring devices that have not been identified as stub routers.”

13. Although Farinacci et al. disclose “a computer system for reducing query generation for route redistribution within a network, the system comprising: means for identifying a device as a stub router (col. 6, lines 66-67 where the Hello packet that is multicast is requesting a topology update which inherently includes the stub routers because these routers, like all routers, are part of the topology of the network);

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14. means for sending an information packet from the stub router to neighboring devices, the information packet identifying the source as a stub router and specifying route types that the stub router will advertise (col. 6, lines 66-67 where the Hello packet that is multicast is requesting a topology update which inherently includes the stub routers because these routers, like all routers, are part of the topology of the network; col. 11, lines 63-65 where the routing information is the route types)...”, claim 22 is allowed however, because Farinacci et al. fail to disclose “upon receiving a query for route information other than the type specified in the information packet, means for sending a response packet with routes identified inaccessible.”

15. Although Farinacci et al. and Callon disclose “a computer system for reducing query generation for route redistribution within a network, comprising: a processor (Callon figure 7, element 304) configured for receiving an information packet at a router identifying the router as a stub router, sending an information packet from the stub router to neighboring devices, the information packet identifying the source as a stub router and specifying route types that the stub router will advertise (Farinacci et al. col. 6, lines 66-67 where the Hello packet that is multicast is requesting a topology update which inherently includes the stub routers because these routers, like all routers, are part of the topology of the network; col. 11, lines 63-65 where the routing information is the route types)...and memory for storing information received by the processor (Callon figure 7, element 306)...”, claim 24 is allowed however, because Farinacci et al. and Callon fail to disclose “sending a response packet with routes identified as inaccessible

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upon receiving a query for route information other than the type specified in the information packet."


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (703) 305-0342. The examiner can normally be reached on M-F: 8:30AM-5PM.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Joshua Kading  
Examiner  
Art Unit 2661



JK  
October 16, 2003



**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**